

May 3, 2013

U.S. District Judge Jack Weinstein
Eastern District of New York
225 Cadman Plaza
New York, NY

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 06 2013 ★

BROOKLYN OFFICE

Dear Judge Weinstein:

We are members of the Eastern District press corps writing to request access to a defense Sentencing Memorandum and exhibits filed on behalf of Shirley Huntley in the case of U.S v. Huntley, 13CR00054.

Defendant Huntley is scheduled to be sentenced by you on May 9, 2013. The defense sentencing memorandum was filed on May 2, 2013. Although no petition for sealing or sealing order by you appears on the docket, the defense memorandum is unavailable on PACER, which gives the message "Document Under Seal" when an attempt is made to access it.

It is possible that the defense may have availed itself of an informal process by which parties are sometimes permitted to seal filings without a judge's approval. Whatever the basis for this filing being under seal, we would note that the U.S. on May 3 filed its Sentencing Memorandum publicly, and revealed therein that former Sen. Huntley cooperated with the government for a period of time.

If that fact was the basis for sealing the defense memorandum, it is now moot. We see no other basis for keeping secret the defense sentencing arguments, which are presumptively open to public scrutiny as judicial records subject to both common law traditions and constitutional provisions that urge transparency.

Thank you for your consideration of this request.

Yours truly,

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FEDERAL BUREAU OF INVESTIGATION U.S. DEPARTMENT OF JUSTICE	COURT'S
	EXHIBIT NO. <u>3</u>
	IDENTIFICATION EVIDENCE
	DKT. # <u>CR 13-54</u> DATE: <u>5/6/13</u>